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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,802	10/08/2003	Pierre-Louis Vidal	P10-1488 US	6634

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EXAMINER	
FISCHER, JUSTIN R	
ART UNIT	**PAPER NUMBER**
1733	

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

W

Office Action Summary	Application No. 10/681,802	Applicant(s) VIDAL, PIERRE-LOUIS	
	Examiner Justin R. Fischer	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2006*.
2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-10 and 12-26* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-6,8-10 and 12-26* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 28, 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6, 8-10, and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penot (FR 0001012) and further in view of Nakajima. It is initially noted that US 6,951,897 is the United States equivalent of the above noted French disclosure and is being supplied/referenced to facilitate the description of said French disclosure. The references are applied in the same manner as set forth in the Non-Final Rejection mailed on October 26, 2005.

Penot discloses a rubber composition useable in the manufacture of tires, wherein said composition comprises diene elastomers, inorganic fillers, and a specific silane polysulfide (coupling agent) (Abstract). In this instance, Penot expressly teaches that the particular silane polysulfide provides an optimum connection between the diene elastomer and the inorganic filler, while improving processing (Column 2, Lines 15-20). It is emphasized that the reference generically discloses the use of a rubber composition having the above noted coupling agent in the manufacture of tires. One of ordinary skill in the art at the time of the invention would have found it obvious to use such a composition (i.e. one having the disclosed and claimed coupling agent) to form a tire belt since the above noted benefits would be desired in the manufacture of all tire components. It is further noted that such general compositions (those having diene elastomers, inorganic fillers, and coupling agents) are commonly used in the manufacture of tire belt plies, as shown for example by Nakajima (JP 07102115). Thus, absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have been amply motivated to use the composition of Penot (those having the claimed polysulfide coupling agent) to form a tire belt ply.

Regarding claims 5, 6, 9, and 10, Penot expressly teaches a silane polysulfide having the claimed formula (Column 10, Lines 5-60). In particular, the first formula listed in Lines 15-20 discloses a composition in which R1 is preferably a methyl, R2 is preferably a C1-C8 alkoxy group, and A is preferably propylene (Column 10, Lines 40-45). These formulas are seen to constitute the claimed bis-monoalkoxydimethylsilylpropyl polysulfides.

Furthermore, as set forth in the Advisory Action mailed on August 9, 2006, the results of Table 2 are not seen to constitute a conclusive showing of unexpected results. In particular, the comparative composition C2 and the inventive composition C3 contain different amounts of silane. It is unclear if the benefits associated with processing and fatigue resistance are a result of the specific type of silane additive, the specific amount of silane additive, or the combination. It is suggested that applicant compare compositions that differ only in the type of silane additive used, such that any realized benefits can be directly attributed to the claimed silane additive.

As to claim 8, "Z" (A of reference) is preferably described as being propylene (Column 10, Lines 34-40).

Regarding claims 12-14, Tardivat suggests that the coupling agent is formed of at least two sulfide links (Column 10, Lines 10-15 and Lines 40-45).

With respect to claim 15, the listed isoprene elastomers are suggested by Penot and are consistent with the compositions used in a wide variety of tire components, include the belt. It is further noted that the exemplary belt composition detailed by Nakajima is formed with natural or isoprene rubber.

Regarding claims 16-21, the disclosed ranges are consistent with the common loadings used in tire compositions, as shown for example by Penot (Column 9, Lines 10+) and Nakajima.

As to claims 22 and 23, it is well known and conventional to include carbon black and silica in tire belt compositions, as shown for example by Nakajima (also disclosed by Penot- Column 9, Lines 15-20). Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to use the claimed loadings as they are consistent with the common compositions used in the manufacture of nearly all tire components, including tire belts.

With respect to claims 24 and 25, as noted above, the reference generally discloses the use of a rubber composition having the claimed silane coupling agent in vehicle tires. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to use such a composition in all vehicle tires, including heavy-duty tires, as the disclosed benefits are generally desired in the tire industry.

Regarding claim 26, the method of Penot includes multiple thermochemcially kneading steps separated by a cooling step (Column 14, Line 58 – Column 15, Line 30).

Response to Arguments

4. Applicant's arguments filed July 31, 2006 have been fully considered but they are not persuasive. It is initially noted that the rejections with Tardivat have been withdrawn in light of applicant's amendment. However, the rejections with Penot have been maintained as set forth above. In particular, as set forth above, Penot expressly suggests the preferred use of methyl as an R1 group and a C1-C8 alkoxy as an R2 group. Furthermore, the results of Table 2 are not seen to constitute a conclusive showing of unexpected results. In particular, the comparative composition C2 and the inventive composition C3 contain different amounts of silane. It is unclear if the benefits associated with processing and fatigue resistance are a result of the specific type of silane additive, the specific amount of silane additive, or the combination. It is suggested that applicant compare compositions that differ only in the type of silane

additive used, such that any realized benefits can be directly attributed to the claimed silane additive.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Justin R Fischer
Primary Examiner
Art Unit 1733

JRF